HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.12884 of 2003

Dated 11th day of July, 2007

Between:

K. Yadagiri
and six others ..
Petitioners

And

Govt. of Andhra Pradesh,
rep. by Principal Secretary,
Fisheries Department, Secretariat,
Hyderabad
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 2nd respondent in not passing any orders on the petitioners' representation dated 25.6.2003 and also the action of the 3rd respondent-society in not permitting them to participate in fishing operations, but allowing others to undertake fishing activities, as arbitrary and illegal.

The petitioners assert that they are the members of the 3rd respondent-Ganga Puthra Sangham, which is a society, and they have been sharing the profits and losses on fishing being carried out in Laxmapur Cheruvu, and paying lease amount towards their share regularly to the Society since 1986. Now, their grievance is that the 3rd respondent-society, on 28.5.2003, without intimating them to participate in the fishing operations, started themselves fishing and also when the petitioners paid their share of lease amount for the lease period 2003-2004, the 3rd respondent refused to take the payment. Aggrieved by it, when the petitioners submitted their representation, dated 25.6.2003, the 2nd respondent has not considered it.

The 2nd respondent has filed a counter affidavit stating that in pursuance of the petitioners' representation, he instructed the Fisheries Development Officer, Medchal, to conduct an enquiry into the allegations made by them, and accordingly, the Fisheries Development Officer submitted his remarks, on the basis of which, the President/Secretary and others of the 3rd respondent-society

addressed a letter dated 5.7.2003 stating that the petitioners were admitted into the Society in October, 1986 and there has been no dispute at all between the petitioners and the 3rd respondent-society. It is also stated that so far as the lease period 2003-2004 is concerned, the 3rd respondent will allow the petitioners for fishing operations.

Heard the learned counsel for both the parties and perused the material placed on record.

According to the learned counsel for the petitioners, though an undertaking is given in the counter that the petitioners would be allowed to participate in fishing operations in Laxmapur Cheruvu during the lease period 2003-2004, the 3rd respondent did not permit them.

Having regard to the contradictory statements made by both the counsel with regard to the participation of the petitioner in the fishing operations during the lease period 2003-2004, this Court deems it appropriate to direct the 2nd respondent to conduct a detailed enquiry into the allegations made by the petitioners.

With the above direction, the writ petition is disposed of. No costs.

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11.07.2007

bcj